MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/2016

UIP2612 – INTELLECTUAL PROPERTY LAW

(All Sections / Groups)

6 OCTOBER 2015
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time : 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This question paper consists of 3 pages (excluding this cover page) with 4 questions only.

3. Attempt **ALL TWO** questions in **PART A**, and **ONE** out of TWO questions in **PART B**. The distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of:
   (i) Copyright Act 1987 (Act 332),
   (ii) Patents Act 1983 (Act 291),
   (iii) Trade Marks Act 1976 (Act 175), and
   (iv) Industrial Designs Act 1996 (Act 552).

5. Please write all your answers in the Answer Booklet provided.

6. Please write with a black pen if you have one, and remember to highlight or underline your case names and headings.

PART A
(Answer all questions in this Part.)

QUESTION 1

Patent law and the law of confidential information are sometimes described as two sides of the same coin.

Explain in detail:

(a) How patent law and the law of confidential information are used to correct the market failure in generating new inventive knowledge;

(25 marks)

(b) The incentive for whether to protect the knowledge by patent law or by the law of confidential information, after considering the requirement of disclosure to the public.

(5 marks)

(Total: 30 marks)

QUESTION 2

The process of registering a trade mark in Malaysia may be described using a flow chart.

(a) Draw this flowchart;

(15 marks)

(b) Explain the major stages of the trade mark registration process.

(15 marks)

(Total: 30 marks)

Continued ...

PART B
(Answer ONE question in this Part.)

QUESTION 3

Snoopy is employed as a robotics engineer at Peanuts Sdn Bhd, a company specialising in making and selling Internet-of-Things devices. He is one of the two engineers who successfully co-designed a new type of automatic window closer which can be controlled through a home automation unit or a mobile app.

Snoopy also likes to make cute electronic gadgets during his spare time in the company and after work. One of the gadgets that he has so invented is a toy robot which responded to voice commands in Bahasa Malaysia. He built this toy robot using leftover parts sourced from his employer as well as parts bought using his own money. Peanuts Sdn Bhd has no objection to such activities as the company practises a policy of allowing employees to use 20% of their time on personal projects.

Snoopy is also a budding science fiction writer. He has recently completed a science fiction novel which he started when he was still an undergraduate student in MMU, but has taken him three years to complete. Snoopy is now looking for a publisher to publish his novel.

Peanuts Sdn Bhd has now come to know of Snoopy's achievements. Advise Peanuts on the extent Peanuts can claim ownership rights to the automatic window closer, Snoopy's toy robot and Snoopy's science fiction novel, and whether Peanuts has to pay any compensation to Snoopy.

(Total: 40 marks)

Continued ...

QUESTION 4

Garfield is the sole proprietor of a candy shop in Mahkota Parade. Her shop specialises in hand-made candies with cartoon characters embedded in the candies. Garfield uses the logo of a smiling cat for her business. This logo is printed on the packaging and advertising material. Sometimes, the same cat logo appears on some of her candies.

Odie recently has opened a cake shop in Dataran Pahlawan, which is opposite to Mahkota Parade. Odie also uses a cat logo similar to Garfield's for his packaging and advertising material.

Garfield's cat logo is not registered as a trade mark, but has been used for four years since Garfield started her business in Mahkota Parade. Garfield now wants to take legal action against Odie to stop him from using the cat logo, for she fears that customers may think that Odie's cake shop is associated with her candy shop.

Advise Garfield on:

(a) Whether she has any legal recourse against Odie without a registered trade mark, and what possible remedies she can obtain, and

(25 marks)

(b) What criteria she has to fulfil if she wishes to register her cat logo as a trade mark in Malaysia.

(15 marks)

(Total: 40 marks)

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